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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,509	07/05/2001	Muralidharan S. Kodialam	Kodialam 16-18	9918
46850	7590	03/09/2006		
MENDELSON & ASSOCIATES, P.C. 1500 JOHN F. KENNEDY BLVD., SUITE 405 PHILADELPHIA, PA 19102			EXAMINER PARK, JUNG H	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/899,509

Applicant(s)

KODIALAM ET AL.

Examiner

Jung Park

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 7-16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1-3, 5-6 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al. (US 6,160,651, "Chang") and in view of Okayama et al. (US 5,786,916, "Okayama").

Regarding claims 1 and 18, Chang discloses the method of claim 1 and the apparatus of claim 18. Chang discloses that the initial graph is generated for the packet network (fig.4; col.10, ln.22-40) integrating IP layer 410 and optical layer 420 as nodes 421-425 and links (between the nodes) of the graph (*claim - generating a graph for the packet network integrating logical and optical layers as nodes and links of the graph*). The existed graph (fig.5) is modified when the preferred path 502 is occupied by another packet 510 & 511 (*new demand*) and then paths 503 & 504 may represent the alternative path (*col.11, ln.8-24; claim - modifying the graph, if necessary, based on the new demand and any previously routed demands*) in order to determine a route through the new paths (*col.11, ln.8-24; claim - determining a router through the modified graph as the path for the new demand*).

Chang fails to disclose, "each node of the graph accounts for presence or absence of wavelength conversion with the node." However, Okayama teaches an optical-wavelength interchanger element (in fig.4 and col.9, ln.34-41) in that the first light

signal L1 is converted in wavelength converter 30 and on the other hand, the second light signal L2 is given to the joining section 50 without wavelength conversion.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include the optical-wavelength interchanger element taught by Okayama to the nodes of graphs disclosed by Chang since one would be motivated to include the element in order to perform wavelength selection (Okayama, col.9, ln.20-23).

Regarding claim 2, Chang further discloses that each node and link of the graph is present in the graph based on a residual capacity of each wavelength of each optical link (col.11, ln.8-18 where the cost of path utilizing wavelength is based on ...and the traffic load. That is, it is based on the residual capacity; see also col.7, ln.34-37).

Regarding claim 3, Chang further discloses that each node based on whether it is a router (IP router 411 fig.4), an optical cross-connect (OXC) with wavelength conversion, or an OXC without wavelength conversion (WDM nodes 421-425 fig.4; col.10, ln.57-58), and ii) each available wavelength of an optical link between nodes in the graph with a corresponding link in the graph (col.7, ln.34-37).

Regarding claim 5, Chang further discloses that claim 1 further comprising the step of routing packetized data along the path (fig.5).

Regarding claim 6, Chang further discloses that at least one of the nodes includes an optical interface, and at least one of the links is an optical link, and the

nodes and links are in a wavelength division multiplex (WDM) communications network (fig.2).

Regarding claims 17 and 19, Chang further discloses that the method is embodied in a processor of at least one of a route and a router of a packet network server (fig.4 where it is inherent that at least one processor is required to process routing algorithm(s) along the route path created by the routers).

Regarding claim 20, Chang-Okayama disclose, all the claim limitations as stated in claim 1, except for a computer readable device containing instructions.

However, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to use software-based machines. The benefit using computer-readable device is that program can be changed and upgraded and new features are added easily than hardware changes.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chang and in view of Okayama and further in view of Khotimsky et al. (US 6,646,989, "Khotimsky").

Regarding claim 4, Chang-Okayama lack what Khotimsky discloses that the determining step includes the step of computing the path through the reduced graph via a shortest path routing algorithm (col.6, ln.43-44 where ...Dijkstra's shortest path algorithm).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to apply Dijkstra's algorithm taught by Khotimsky to the packet network disclosed by Chang-Okayama since one would be motivated to

apply the algorithm to find the optimal path to the desired destinations in the entire network or sub-network (Khotimsky, col.6, ln.41-42). For example, OSPF (open shortest path first) is a well known real-world implementation of Dijkstra's algorithm used in Internet routing.

Allowable Subject Matter

4. Claims 7-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung Park whose telephone number is 571-272-8565. The examiner can normally be reached on Mon-Fri during 7:10-4:40.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

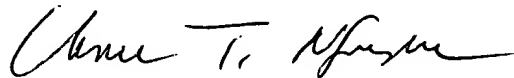
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

Art Unit: 2661

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JP

Jung Park
Patent Examiner
AU 2661
March 1, 2006



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